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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,586	06/30/2000	Shmuel Shaffer	M-8509-US	9498

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/608,586

Applicant(s)

SHAFFER ET AL.

Examiner

Ovidio Escalante

Art Unit

2645

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-81.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Attachment.

**OVIDIO ESCALANTE
PATENT EXAMINER**

Ovidio Escalante

Ovidio Escalante
Primary Examiner
Art Unit: 2645

Advisory Action

Applicant contends that Armstrong neither teach nor suggest “presenting an option to specify a quorum associated with a meet meet-me conference call, in response to user input to an application program co-resident with a terminal since Armstrong does not teach anything about how the conference service operates and since Armstrong is completely silent with respect to how a quorum could be specified. The Examiner respectfully disagrees.

As set forth by Armstrong a quorum condition may be used so that once a quorum is established the conference call can be attempted. Armstrong teaches in col. 5, lines 24-47 of a PCP which is under control by a party. The PCP 10 is used to manage personal information via rules which is defined by the party. The party can track other parties as well as other set their preferences. The PCP is the system that will provide the user “an option to specify a quorum”.

Armstrong teaches that the parties may record preferences and rules about services such as conference call services and these will be taken into account by the PCP when it responds to requests from a conference call service. Armstrong teaches that a party is able to interact with the PCP and that the PCP determines that a “quorum” condition needs to be used based on preference rules which was set up by the party. A party will set up the rules which include the “quorum condition” when they initially interact with the system, as shown in col. 5. The quorum condition is the “rules” that the party establishes. The interaction will “present an option to specify a quorum” to a user and the user will define the rule for that option, i.e. the user will set a quorum as a rule.

Applicant further argues that Armstrong does not teach or suggest “establishing a media transport channel after detecting that the quorum is established, in response to a user selecting

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the option, wherein the establishing the media transport channel joins the user to the meet-me conference all since at best Armstrong only teaches that the conference call is “attempted”. The Examiner respectfully disagrees.

As stated above, since Armstrong teaches of establishing rules which will includes establishing a quorum and in response to the quorum being established, then a conference is established then the media channel is also established. Armstrong teaches of a media channel since voice conversations will occur over the communication lines when the conference has started.

Applicant argues that there is no suggestion in Sun to present an option to specify a quorum as stated by the Examiner in the Final Office Action. The Examiner respectfully disagrees.

The Examiner provided in the Final office action a suggestion in Sun as to why one of ordinary skill in the art would have want to modify Sun to include the option of the quorum. While the Examiner acknowledges that there is no teaching that a certain amount or particular person “must” be present in order for their to be a meeting the Examiner believes that since Sun teaches that different persons from difference areas can conduct a conference then one of ordinary skill would have look into the idea of a presenting a quorum as taught by Armstrong, to ensure that all required persons or amount of necessary persons attended the meeting. The Examiner statement in the Final Office Action was shown to prove obviousness within the primary reference as well as the Examiner’s and one or ordinary skill in the art motivation for establishing a quorum in combination with the teachings of Armstrong.